

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

JAMES EVERETT SHELTON AND JON FREY, on behalf of themselves and others similarly situated,

Plaintiffs,

vs.

DIRECT ENERGY, LP and KAA ENERGY, INC.

Defendants.

Case No. 2:18-cv-4375

COMPLAINT – CLASS ACTION

MOTION FOR AN EXTENSION OF TIME TO FILE OPPOSITION TO THE PENDING MOTION TO DISMISS AND A REQUEST FOR CLERK'S ENTRY OF DEFAULT

Plaintiffs James Everett Shelton and Jon Frey move the Court for an Order allowing them to file a response to Defendant Direct Energy, LP's motion to dismiss the First Amended Complaint (ECF No. 13) seven days after the Court rules on the unopposed motion to transfer venue. (ECF No. 25). Since the Plaintiffs filed their last request for an extension, Mr. Frey has filed a notice of dismissal of his claims, and Mr. Shelton has filed an unopposed motion to transfer venue of this matter to the United States District Court for the Northern District of Ohio, Cleveland Division, where he was when he received the subject call. If that unopposed motion is allowed, the pending motion will be mooted and refiled consistent with the standards of the Sixth Circuit. Similarly, the new Court will be able to render a decision regarding the default of KAA Energy.

Plaintiffs have conferred with Direct Energy regarding this motion and Direct Energy does not have any opposition to the relief sought in this motion. Accordingly, the Plaintiff respectfully submits that good cause exists for an order granting Plaintiffs' requested relief.

Plaintiff,
By Counsel,

Dated: January 8, 2019

By: /s/ Anthony Paronich
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was filed through the Court's CM/ECF System on January 8, 2019, and a copy was automatically distributed to all counsel of records through that System.

/s/ Anthony I. Paronich